

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re: Application of WHITTEN et al.

Application No.: 10/801,913

Examiner: Sourw, Bernard E.

Date Filed: March 16, 2004

Group: 2881

For: ION TRAP ARRAY-BASED SYSTEMS AND METHODS  
FOR CHEMICAL ANALYSIS

CERTIFICATE UNDER 37 CFR 1.8(a)  
I hereby certify that this correspondence addressed to Mail Stop  
Amendment, Commissioner for Patents is being transmitted via  
facsimile No. 703-872-9306 on March 1, 2005.

 Reg. No. 46,803

DECLARATION UNDER 37 C.F.R. §1.131

Via Facsimile No. 703-872-9306

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, William B. Whitten, declare:

1. I am a named inventor of the subject matter claimed in the above-captioned application.
2. I have read the Office Action mailed November 2, 2004, and the references cited therein.
3. I have been employed by UT-Battelle, LLC, and by their predecessors in interest, who manage the Oak Ridge National Laboratory since before September 1999.

{WP222304;1}

4. I was one of the inventors which conceived of the above-entitled invention in the United States prior to the earliest effective filing date of May 25, 2000 that I have been advised may be afforded to U.S. Pat. No. 6,762,406 to Cooks et al.

5. Before May 25, 2000, I, along with my co-inventor, J. Michael Ramsey, conceived of the claimed subject matter. We submitted a Quarterly Report dated September 30, 1999 (Marked exhibit "A") to DOE headquarters on approximately Oct. 10, 1999 that describes some initial experiments with trap arrays according to the invention. J. Michael Ramsey was named as the principal investigator in the Progress Report.

6. I was involved in experiments from summer 1999 through 2002 primarily to identify preferred system components and operating conditions. An Invention Disclosure was submitted to the Office of General Counsel, Intellectual Property at the Oak Ridge Labs during the fall of 2002. The Invention Disclosure was signed by Shelley Stafford from the General Counsel, Intellectual Property Office on December 6, 2002. Once an Oak Ridge Invention Disclosure form is completed, the disclosure is reviewed by an invention review board to determine whether to prepare an application based upon the submitted Invention Disclosure.

7. I continued to perform experiments regarding the invention through 2003. I recall corresponding with Attorney Jetter and meeting with him at Oak Ridge, Tn during the summer of 2003 to discuss the invention. I reviewed several revisions of draft applications between the summer of 2003 and the filing date of the application in March 2004.

8. In light of the above, I submit that with my co-inventor, reasonable diligence was exercised towards completion of the invention during the period from at least September 30, 1999 through the filing date of U.S. Application No. 10/106,556 on March 16, 2004.

I further state that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: Feb. 28, 2005

William B. Whitten  
William B. Whitten